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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA, ex
8 rel., RANDOLPH PETERSON,
9 individually and as relator; TRI-CITY
RAILROAD COMPANY, LLC, a
Washington limited liability company,

10 Plaintiffs,

11 v.

12 PORT OF BENTON COUNTY, et al.,

13 Defendants.

NO: 2:17-CV-0191-TOR

ORDER GRANTING SECOND
STIPULATED MOTION TO DISMISS

14
15 BEFORE THE COURT is the Parties' second Stipulated Motion to Dismiss
16 (ECF No. 236). The Parties request the Court dismiss Plaintiffs Tri-City Railroad
17 Company, LLC and Randolph Peterson's claims for (1) Qui Tam Retaliation (ECF
18 No. 167 ¶¶ 4.6–4.13) against all defendants; and (2) Retaliation for exercise of
19 federal rights under 42 U.S.C. § 1983 (ECF No. 167 ¶¶ 4.30–4.36) against Peter
20 Rogalsky, only. ECF No. 236 at 2. The Parties further stipulate that "All other

1 [pending] claims not otherwise dismissed by the Court are retained.” The parties
2 request this voluntary dismissal be made with prejudice and without fees or costs
3 to any party. *Id.* at 3.

4 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Stipulated
5 Motion to Dismiss (ECF No. 236) is **granted**.


6 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 7 1. The Parties’ Stipulated Motion to Dismiss, ECF No. 236, is **GRANTED**.
8 2. Plaintiffs’ claims for (1) Qui Tam Retaliation (ECF No. 167 ¶¶ 4.6–4.13)
9 against all defendants; and (2) Retaliation for exercise of federal rights
10 under 42 U.S.C. § 1983 (ECF No. 167 ¶¶ 4.30–4.36) against Peter
11 Rogalsky, only, are **dismissed with prejudice** and without an award of
12 fees or costs to any party.

13 The District Court Executive is hereby directed to enter this Order and
14 furnish copies to all counsel.

15 DATED December 5, 2019.




THOMAS O. RICE
Chief United States District Judge